

**LAWYERS  
IN  
NEW  
BATTLE  
OVER**

# **LIFE OF LEO FRANK**

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**Curious Crowd Barred  
While the**

**Lawyers Grow  
Personal in En-**

**counters on More  
Than One**

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# **Hundred Technical Points.**

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## **Dorsey and Rosser Clash—Jurors**

## **Are Attacked by the Defense.**

## **Alleged Prejudice of Specta- tors at the Trial Brought Up.**

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An uncompromising attitude was struck by Solicitor Dorsey and the State's forces at the very first of the hearing on the motion for a new trial for Leo Frank, convicted of the murder of Mary Phagan, and was maintained until the close of the hearing Saturday.

The Solicitor, conscious that the advantage lies with the State, at times laughed at the arguments of Luther Rosser and Reuben Arnold, attorneys for the defense. At times, how fought

back bitterly, particularly when Frank's lawyers attacked his personal behavior.

All anticipations of a sensation in the hearing were blasted. The defense offered 115 counts in the petition for a new trial, and on almost every point exhaustive arguments were offered by the lawyers for Frank. Altogether, the hearing was tedious throughout.

### **Curious Crowds Barred.**

There was nothing spectacular in the setting. Judge L. R. Roan heard the lawyers in the State Library at the Capitol. Curious crowds were refused admission. There were only newspaper men, a dozen lawyers and a few other persons vitally interested in the case.

Now and then the dullness of the legal debate was enlivened by a show of spirit, as when Luther Rosser declared that it was the prejudiced crowd of spectators, and not the judge and jury, that conducted the trial of Leo Frank. The statement came in defense of the argument that the demonstration by the courtroom crowd was basis sufficient for a new trial.

Solicitor Dorsey laughed. However, he objected strenuously enough when, a little later, the lawyers for the defense requested Judge Roan to certify to the fact that there was considerable demonstration by spectators, and that at one time it could easily have been heard by the jury in the next room.

Judge Roan, complied with the request, and told, for the purposes of record, of the applause, and thus a telling point in favor of the defense was scored.

### **Fight Over Jurors Bitter.**

The most bitterly fought contest of the entire hearing came over the declaration of the defense that Jurors Marcellus Jochenning and A. H. Henslee were prejudiced against Frank before the trial began. The statement was backed by showing made by a special agent of Lutehr Rosser, who had visited the towns to

which Henslee usually goes in the course of his work as a travelling salesman. The agent, C. W. Burke, offered in evidence a number of sworn statements that Henslee, before the trial, had been heard to express his belief in the guilt of Frank and his desire to help convict him.

Argument on this point waxed heated between the defense and the State. All the time Judge Roan carefully noted the points made, as he did in the argument on every count. All these points will be studied exhaustively before his decision is announced.

Judge Roan had work during the trial in reprimanding the opposing lawyers occasionally for their personal debates. Once, especially, at the very first Luther Rosser flared out:

### **Opposing Lawyers Clash.**

"You would kill a man on the dotting of an 'l' or the crossing of a 't,'" he told the Solicitor, in the course of his argument that the State is endeavoring to convict Frank on any pretext whatever.

"And you," the Solicitor retorted, "are making a mountain out of a molehill."

Mr. Dorsey was always aggressive, and particularly when the lawyers for the defense spoke thus of his personal conduct of the case.

Among the details of the trial to which objections were entered by the defense were:

The admission of the State's carefully marked diagram as evidence.

The admission of certain testimony by Detective John Black.

The most strenuous fight by Luther Rosser, Reuben Arnold and Herbert Haas, for the defense, was waged about the question of the Solicitor tending to show Frank a degenerate. That none of this should have been admitted as relevant was the contention of the defense. Success greeted their efforts in one or two details of

this sort of testimony, and Judge Roan supported the lawyers for the defense in regard to such questions asked of Miss Lula Jackson, one of the witnesses.

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## **PDF PAGE 6, COLUMN 1**

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# **SPOTLIG**

# **HT**

# **HITS**

# **STATE**

**NEAR  
CLOSE  
OF PLEA  
FOR**

# FRANK TRIAL

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**Dorsey's Attack on  
Defense Argu-  
ments and Luther  
Rosser's Re-  
ply Are Expected to  
Furnish  
Thrilling Climax to  
Hearing.**

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With the argument of Attorney Reuben Arnold, filled with denunciation of the negro Jim Conley and vivid description of the mob spirit which, he said, influenced the verdict of guilty in the



trial of Leo M. Frank or the murder of Mary Phagan, concluded late Saturday afternoon, interest in the battle being waged to secure a new trial for the convicted factory superintendent shifter to the State's side of the case.

Solicitor Dorsey and Attorney Luther Rosser, the latter the leading counsel for the defense, are yet to be heard, and those who have been following the hearing before Judge L. S. Roan are awaiting with eagerness the opening attacks of the Solicitor General on the strongholds of the defense, and the reply Mr. Rosser is expected to make.

Mr. Rosser late Saturday afternoon denied the report that a new trial, if granted by Judge Roan, could not be held in Fulton County, and that Hugh Dorsey could not act as prosecutor because charges of prejudice formed the basis of the application for a new hearing.

### **Expect Change of Venue Plea.**

He stated that the scene of another trial would depend entirely upon the ruling made by the judge when an application was made for a change of venue, should one be made. Should the trial judge refuse the application, the trial would have to be held in Fulton County, and of course there could be no change of venue without an application:

It is generally believed that if a new trial is granted, a change of venue will be asked for. This opinion is based largely on a statement made by Attorney Arnold during his argument when he declared that if the State's case is as strong as it is supposed to be, no harm could result from a new trial "where the surroundings are better and where the chances to get justice are better."

Solicitor Dorsey is expected to take up the whole of Monday in replying to Attorney Arnold and offering the State's reasons why a new trial should not be granted. He probably will take up in detail every one of the 115 reasons introduced by the defense, and attack specifically every affidavit the defense, and attack

specifically every affidavit the defense has offered to discredit the story of Jim Conley and prove bias and prejudice on the part of Jurors Henslee and Johenning.

### **State Has Mass of Affidavits.**

Solicitor Dorsey will enter the fray armed with a mass of affidavits, many of them attacking the character of the men who made the affidavits introduced by the defense. He also will present legal citations to sustain his contention that the evidence of Jim Conley, including that portion which tended to prove Frank a pervert, was admissible, and that Judge Roan violated no legal precedent when he allowed it to go into the record.

Attorney Rosser, whose argument will bring the legal battle to a close, is expected to devote the greater portion of his speech to the charges of bias and prejudice brought against Jurors Henslee and Johenning. The affidavits depended on to sustain these charges already have been introduced and argued by Mr. Arnold.

Attorney Arnold declared that the case of the State rests or falls on Jim Conley's story, and that the tale of the negro had been shown to be a mass of lies.

"If any intelligent person," he asserted, "will look at the mass of conflicting statements, his dumbness when questioned about anything in which he had not been drilled, they will see that Conley was broken down completely."

### **Compared to Beilis Trial.**

Mr. Arnold also denounced the mob spirit, which he declared was directly responsible for the conviction of Frank, and was based on the ages old persecution of the Jews.

Mr. Arnold declared vehemently that in Kieff, Russia, there is going on to-day a trial that offers the only parallel to the Frank case in recent years—the trial of Mendel Beilis, a Jew, for the alleged "ritual murder" of a Russian boy. The resemblance between the Frank and Beilis cases, he declared, is remarkable.

Mr. Arnold, dwelling on the time element which played so large a part in the trial, said the State's witnesses had proven it was physically impossible for Frank to have committed the crime; that Frank was not convicted on the facts, but on an assumption of what might have been the facts.

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## **PDF PAGE 7, COLUMN 1**

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# **JUROR HENSLEE PLOTTED TO HANG LEO M. FRANK, ASSERTS LAWYER ARNOLD**

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Counsel for Pencil Factory  
Superin-

tendent Declares Man Went  
on the

# Venire With Purpose of Poisoning Minds of Fellows Against Defendant.

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The most sensational charges ever made against a member of Georgia jury were brought against A. H. Henslee, one of the twelve men who found Leo M. Frank guilty of the murder of Mary Phagan, by Attorney Reuben Arnold late Saturday afternoon, at the close of a day and a half of tempestuous argument in the hearing of the motion for a new trial for the convicted factory superintendent.

Emphasizing his accusations with a meaning forefinger. Attorney Arnold charged that Juror Henslee deliberately carried his prejudice against Leo Frank so far as to plot to get on the jury, that he might spread the virus of prejudice among the other jurors. He declared that he urged this point solely on the affidavits that had been filed against Henslee by leading and reputable citizens who swore that Henslee had so expressed himself to them as to make possible no other conclusion than the one which the attorney advanced.

Arnold accused Solicitor Dorsey of warping and distorting of evidence that was before the court and also of introducing statements for which there was no warrant in the testimony of any witness who had appeared on the stand.

To aggravate this offense he charged that Dorsey employed illegal and inquisitorial methods to wring the sort of affidavits he wanted from ignorant persons, like the negro woman, Minola McKnight.

Arnold discussed every phase of the evidence, branding Jim Conley's story as a monstrous and grotesque fabrication inspired by the detectives and pointing to the negro as the real murderer.

### **Calls Verdict Vitiated.**

On the fact that a wild demonstration took place outside the courtroom before the polling of the jury was completed, he argued that the verdict was vitiated under the law of the State of Georgia and that anew trial would have to be granted even were there no other grounds to be considered. He cited Georgia Supreme Court decisions to uphold his contention.

It is unlikely that Attorney Arnold will conclude much before the noon hour Monday, Solicitor Dorsey immediately will take up the argument for the State in an effort to riddle the contentions set up by the rival attorney. Dorsey's address will not be finished before Tuesday. The motion will be given to Judge Roan for decision that night.

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# **Fisher Off to Dalton; Still Sticks to Story**

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## **‘Mysterious Witness’ Must Answer to Murder Charge Before His Atlanta Trial.**

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Still accusing J. C. Shirley of the murder of Mary Phagan and declaring that Leo M. Frank is innocent, Ira W. Fisher, “the man of mystery” in the Phagan case, will be taken to Dalton Sunday to face a charge of murder.

An officer from Dalton is expected in Atlanta Sunday morning to take Fisher there to answer the indictment returned a few days ago by the Whitfield County Grand Jury charging Fisher with the murder of his brother-in-law, Dug Steele, five years ago. By agreement of Chief of Detectives Lanford and J. C. Shirley, the merchant accused by Fisher and who swore out the warrant for

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criminal libel, the murder charge will take right of way over the Atlanta warrant, which will be held open against Fisher in the court of Justice of the Peace O. H. Puckett.

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